



**BILLING CODE 7565-01-P**

**DEPARTMENT OF THE INTERIOR**

**National Indian Gaming Commission**

**Submission of Information Collections Under the Paperwork Reduction Act**

**AGENCY:** National Indian Gaming Commission, Interior.

**ACTION:** Second notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the National Indian Gaming Commission (NIGC or Commission) is announcing its submission, concurrently with the publication of this notice or soon thereafter, of the following information collection requests to the Office of Management and Budget (OMB) for review and approval.

The Commission is seeking comments on the renewal of information collections for the following activities: (i) Indian gaming management contract-related submission requirements, as authorized by OMB Control Number 3141-0004 (expires on October 31, 2015); (ii) Indian gaming fee payment-related submission requirements, as authorized by OMB Control Number 3141-0007 (expires on November 30, 2015); (iii) minimum internal control standards for class II gaming submission and recordkeeping requirements, as authorized by OMB Control Number 3141-0009 (expires on October 31, 2015); (iv) facility license-related submission and recordkeeping requirements, as authorized by OMB Control Number 3141-0012 (expires on October 31, 2015); and (v) minimum technical standards for class II gaming systems and equipment submission and

recordkeeping requirements, as authorized by OMB Control Number 3141-0014 (expires on November 30, 2015).

In addition, the Commission is seeking comments on its request for a new information collection, i.e., voluntary stakeholder surveys to be conducted by the NIGC in order to gather tribal stakeholder feedback on services, trainings, and/or technical assistance that the NIGC provides to gaming tribes.

**DATES:** The OMB has up to 60 days to approve or disapprove the information collection requests, but may respond after 30 days. Therefore, public comments should be submitted to OMB by [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] in order to be assured of consideration.

**ADDRESSES:** Submit comments directly to OMB's Office of Information and Regulatory Affairs, Attn: Policy Analyst/Desk Officer for the National Indian Gaming Commission. Comments can also be emailed to <OIRA\_Submission@omb.eop.gov>, include reference to "NIGC PRA Renewals" in the subject line.

**FOR FURTHER INFORMATION:** For further information, including copies of the proposed information collection requests and supporting documentation, contact Armando J. Acosta at (202) 632-7003; fax (202) 632-7066 (not toll-free numbers). You may also review these information collection requests by going to <<http://www.reginfo.gov>> (Information Collection Review, Currently Under Review, Agency: National Indian Gaming Commission).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The gathering of this information is in keeping with the purposes of the Indian Gaming Regulatory Act of 1988 (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701, *et seq.*, which include: providing a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; ensuring that the Indian tribe is the primary beneficiary of the gaming operation; and declaring that the establishment of independent federal regulatory authority for gaming on Indian lands, the establishment of federal standards for gaming on Indian lands, and the establishment of the Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue. 25 U.S.C. 2702. The Act established the Commission and laid out a comprehensive framework for the regulation of gaming on Indian lands.

## **II. Data**

*Title:* Management Contract Provisions.

*OMB Control Number:* 3141-0004.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission’s statutory duties, the Act requires the NIGC Chairman to review and approve all management contracts for the operation and management of class II and/or class III gaming activities, and to conduct background investigations of persons with direct or indirect financial interests in, and management responsibility for, management contracts. 25 U.S.C. 2710, 2711. The Commission is authorized to “promulgate such regulations and guidelines as it deems appropriate to implement” IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated parts 533, 535, and 537 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 533.2 requires a tribe or management contractor to submit a management contract for review within 60 days of execution, and to submit all of the items specified in § 533.3. Section 535.1 requires a tribe to submit an amendment to a management contract within 30 days of execution, and to submit all of the items specified in § 535.1(c). Section 535.2 requires a tribe or a management contractor, upon execution, to submit the assignment by a management contractor of its rights under a previously approved management contract. Section 537.1 requires a management contractor to submit all of the items specified in § 537.1(b),(c) in order for the Commission to conduct background investigations on: each person with management responsibility for a management contract; each person who is a director of a corporation that is a party to a management contract; the ten persons who have the greatest direct or indirect financial interest in a management contract; any entity with a financial interest in a management contract; and any other person with a direct or indirect financial interest in a management contract, as otherwise designated by the Commission. This collection is mandatory, and the benefit to the respondents is the approval of Indian gaming management contracts, and any amendments thereto.

*Respondents:* Tribal governing bodies and management contractors.

*Estimated Number of Respondents:* 20.

*Estimated Annual Responses:* 43 (submissions of contracts, contract amendments, contract assignments, and background investigation material).

*Estimated Time per Response:* Depending on the type of collection, the range of time can vary from 10.0 burden hours to 20.0 burden hours for one item.

*Frequency of Response:* Varies; usually no more than once per year.

*Estimated Total Annual Burden Hours on Respondents:* 692.

*Estimated Total Non-hour Cost Burden:* \$500,000.

*Title:* Fees.

*OMB Control Number:* 3141-0007.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct a class II and/or class III gaming activity to pay annual fees to the Commission on the basis of the assessable gross revenues of each gaming operation using rates established by the Commission. 25 U.S.C. 2717. The Commission is authorized to "promulgate such regulations and guidelines as it deems appropriate to implement" IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 514 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 514.6 requires a tribe to submit, along with its fee payments, quarterly fee statements (worksheets) showing its assessable gross revenues for the previous fiscal year in order to support the computation of fees paid by each gaming operation. Section 514.7 requires a tribe to submit a notice within 30 days after a gaming operation changes its fiscal year. Section 514.15 allows a tribe to submit fingerprint cards to the Commission for processing by the Federal Bureau of Investigation (FBI), along with a fee to cover the NIGC's and FBI's costs to process the fingerprint cards on behalf of the tribes. Parts of this collection are mandatory and the other part is voluntary. The required submission of the fee worksheets allows the Commission to both set and adjust fee rates, and to support the computation of fees paid by each gaming operation. In addition, the voluntary submission of fingerprint cards allows a tribe to conduct statutorily mandated background

investigations on applicants for key employee and primary management official positions.

*Respondents:* Indian gaming operations.

*Estimated Number of Respondents:* 651.

*Estimated Annual Responses:* 71,375.

*Estimated Time per Response:* Depending on the type of collection, the range of time can vary from 0.5 burden hours to 2.0 burden hours for one item.

*Frequency of Response:* Quarterly (for fee worksheets); varies (for fingerprint cards and fiscal year change notices).

*Estimated Total Annual Burden on Respondents:* 38,292.5.

*Estimated Total Non-hour Cost Burden:* \$1,467,585.

*Title:* Minimum Internal Control Standards for Class II Gaming.

*OMB Control Number:* 3141-0009.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to ensure that the Indian tribe is the primary beneficiary of the gaming operation and to protect such gaming as a means of generating tribal revenue, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Commission is also authorized to "promulgate such regulations and guidelines as it deems appropriate to implement" IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 543 of title 25, Code of Federal Regulations, to aid it in monitoring class II gaming on a continuing basis.

Section 543.3 requires a tribal gaming regulatory authority (TGRA) to submit to the Commission a notice requesting an extension to the deadline (by an additional six months) to achieve compliance with the requirements of the new tier after a gaming operation has moved from one tier to another. Section 543.5 requires a TGRA to submit a detailed report after the TGRA has approved an alternate standard to any of the NIGC's minimum internal control standards, and the report must contain all of the items specified in § 543.5(a)(2). Section 543.23(c) requires a tribe to maintain internal audit reports and to make such reports available to the Commission upon request. Section 543.23(d) requires a tribe to submit two copies of the agreed-upon procedures (AUP) report within 120 days of the gaming operation's fiscal year end. This collection is mandatory and allows the NIGC to confirm tribal compliance with the minimum internal control standards in the AUP reports.

*Respondents:* Tribal governing bodies.

*Estimated Number of Respondents:* 466.

*Estimated Annual Responses:* 834.

*Estimated Time per Response:* Depending on the type of collection, the range of time can vary from 1.0 burden hours to 108.0 burden hours for one item..

*Frequency of Response:* Varies.

*Estimated Total Annual Hourly Burden to Respondents:* 11,340.

*Estimated Total Non-hour Cost Burden:* \$8,736,040.

*Title:* Facility License Notifications and Submissions.

*OMB Control Number:* 3141-0012.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct class II and/or class III gaming to issue "a separate license ... for each place, facility, or location on Indian lands at which class II [and class III] gaming is conducted," 25 U.S.C. 2710(b)(1), (d)(1), and to ensure that "the construction and maintenance of the gaming facilities, and the operation of that gaming is conducted in a manner which adequately protects the environment and public health and safety." 25 U.S.C. 2710(b)(2)(E). The Commission is authorized to "promulgate such regulations and guidelines as it deems appropriate to implement" IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 559 of title 25, Code of Federal Regulations, to implement these requirements.

Section 559.2 requires a tribe to submit a notice (that a facility license is under consideration for issuance) at least 120 days before opening any new facility on Indian lands where class II and/or class III gaming will occur, with the notice containing all of the items specified in § 559.2(b). Section 559.3 requires a tribe to submit a copy of each newly issued or renewed facility license within 30 days of issuance. Section 559.4 requires a tribe to submit an attestation certifying that by issuing the facility license, the tribe has determined that the construction, maintenance, and operation of that gaming facility is conducted in a manner that adequately protects the environment and the public health and safety. Section 559.5 requires a tribe to submit a notice within 30 days if a facility license is terminated or expires or if a gaming operation closes or reopens. Section 559.6 requires a tribe to maintain applicable and available Indian lands or environmental and public health and safety documentation, and provide that documentation if requested by the NIGC. This collection is mandatory and enables the

Commission to perform its statutory duty by ensuring that tribal gaming facilities on Indian lands are properly licensed by the tribes.

*Respondents:* Indian tribal gaming operations.

*Estimated Number of Respondents:* 110.

*Estimated Annual Responses:* 269.

*Estimated Time per Response:* Depending on the type of collection, the range of time can vary from 0.5 burden hours to 13.0 burden hours for one item.

*Frequency of Response:* Varies.

*Estimated Total Annual Hourly Burden to Respondents:* 2,232.

*Estimated Total Non-hour Cost Burden:* \$6,663.

*Title:* Minimum Technical Standards for Class II Gaming Systems and Equipment.

*OMB Control Number:* 3141-0014.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to ensure that the Indian tribe is the primary beneficiary of the gaming operation and to protect such gaming as a means of generating tribal revenue, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Act allows Indian tribes to use "electronic, computer, or other technologic aids" to conduct class II gaming activities. 25 U.S.C. 2703(7)(A). The Commission is authorized to "promulgate such regulations and guidelines as it deems appropriate to implement" IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 547 of title 25, Code of Federal

Regulations, to aid it in monitoring class II gaming facilities that are using electronic, computer, or other technologic aids to conduct class II gaming.

Section 547.5(b)(2) requires a tribal gaming regulatory authority (TGRA) to submit a notice regarding a grandfathered class II gaming system's approval. Section 547.5(b)(5) requires a TGRA to maintain records of approved modifications that affect the play of a grandfathered class II gaming system, and must make the records available to the Commission upon request. Section 547.5(d)(3) requires a TGRA to maintain records of approved emergency hardware and software modifications to a class II gaming system (and a copy of the testing laboratory report) so long as the gaming system remains available to the public for play, and must make the records available to the Commission upon request. Section 547.5(f) requires a TGRA to maintain records of its following determinations: (i) regarding a testing laboratory's (that is owned or operated or affiliated with a tribe) independence from the manufacturer and gaming operator for whom it is providing the testing, evaluating, and reporting functions; (ii) regarding a testing laboratory's suitability determination based upon standards no less stringent than those set out in 25 C.F.R. § 533.6(b)(1)(ii) through (v) and based upon no less information than that required by 25 C.F.R. § 537.1; and/or (iii) the TGRA's acceptance of a testing laboratory's suitability determination made by any other gaming regulatory authority in the United States. The TGRA must maintain said records for a minimum of three years and must make the records available to the Commission upon request. Section 547.17 requires a TGRA to submit a detailed report for each enumerated standard for which the TGRA approves an alternate standard, and the report must contain the items identified in § 547.17(a)(2). This collection is mandatory and allows the NIGC to confirm tribal

compliance with NIGC regulations on “electronic, computer, or other technologic aids” to conduct class II gaming activities.

*Respondents:* Tribal governing bodies.

*Estimated Number of Respondents:* 492.

*Estimated Annual Responses:* 500.

*Estimated Time per Response:* Depending on the type of collection, the range of time can vary from 2.0 burden hours to 6.0 burden hours for one item.

*Frequency of Response:* Annually.

*Estimated Total Annual Hourly Burden to Respondents:* 2,456.

*Estimated Total Non-hour Cost Burden:* \$0.

*Title:* Voluntary NIGC Stakeholder Satisfaction Surveys.

*OMB Control Number:* 3141-\_\_\_\_\_.

*Brief Description of Collection:* Amongst other actions necessary to carry out the Commission’s statutory duties, the Act directs the Commission to provide trainings and technical assistance to tribal gaming operations regulated by IGRA. 25 U.S.C. 2706(d)(2).

The Commission is requesting a new clearance to conduct voluntary stakeholder surveys in order to: (i) determine the stakeholders’ satisfaction with the level(s) of service, trainings, and/or technical assistance provided by the Commission; (ii) identify any perceived weaknesses in those services, trainings, and/or technical assistance; (iii) seek any other information on the service, training, and/or technical assistance received; (iv) seek suggestions on improving the product or its format; and (v) seek suggestions for other services, trainings, and/or technical assistance. This new collection will be

voluntary and the information gleaned from these surveys will be used to help direct service, training, and/or technical assistance improvement efforts, and to assist the Commission in better identifying the needs of its stakeholders. The Commission will take precautions to ensure that the respondents are aware that they are not under any risk for not responding or for the content of their responses.

*Respondents:* Tribal governing bodies.

*Average Expected Annual Number of Stakeholder Satisfaction Surveys:* 2.

*Respondents:* 242.

*Annual responses:* 484.

*Frequency of Response:* Once per survey (average of 15 minutes per response).

*Burden hours:* 121.

*Estimated Total Non-hour Cost Burden:* \$0.

### **III. Request for Comments**

Regulations at 5 C.F.R. part 1320, which implement provisions of the Paperwork Reduction Act, require that interested members of the public have an opportunity to comment on an agency's information collection and recordkeeping activities. *See* 5 C.F.R. § 1320.8(d)). To comply with the public consultation process, the Commission previously published its 60-day notice and request for comments and of its intent to submit the above-mentioned information collection requests to OMB for approval. *See* 80 FR 32176 (June 5, 2015). The Commission did not receive any comments in response to that notice and request for comments.

The Commission will submit the preceding requests to OMB to renew its approval of the information collections and to approve its request for a new information

collection to conduct voluntary stakeholder satisfaction surveys. The Commission is requesting a three-year term of approval for each of these information collection and recordkeeping activities.

You are again invited to comment on these collections in order for the Commission to: (i) evaluate whether the proposed information collection is necessary for the agency to perform its duties, including whether the information is useful; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed information collection; (iii) enhance the quality, usefulness, and clarity of the information to be collected; and (iv) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. It should be noted that as a result of the Commission reviewing its own records that track the number of tribal and/or management contractor submissions and after surveying tribal gaming operators, TGRAs, and management contractors regarding the Commission's submission and recordkeeping requirements, many of the previously published burden estimates have changed since the publication of the Commission's 60-day notice on June 5, 2015. If you wish to comment in response to this notice, you may send your comments to the office listed under the ADDRESSES section of this notice by [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comments submitted in response to this second notice will be summarized and become a matter of public record. The NIGC will not request nor sponsor a collection of information, and you need not respond to such a request, if there is no valid OMB Control Number.

Dated: September 4, 2015.

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**Shannon O'Loughlin,**

*Chief of Staff.*

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